



**Report to the Legislature**

**Services to Persons with  
Developmental Disabilities who are Discharged  
or Diverted from State Hospitals or Individuals  
with Community Protection Issues**

Chapter 518, Laws of 2005, Section 205(1)(d) Uncodified

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Chapter 518, Laws of 2005, E1, Section 205(1) (d) requires the Department of Social and Health Services' Division of Developmental Disabilities (DDD) to report, within 45 days following each fiscal quarter, the number of persons served in the community through this section, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients. This proviso is intended to provide community residential supports, therapies and employment/day services to individuals who are discharged or diverted from state psychiatric hospitals and for individuals that qualify for the Community Protection Program.

## **BACKGROUND**

### **Hospital Discharge**

Providing services to individuals with developmental disabilities who are diagnosed with mental illness and/or are otherwise gravely disabled is a long-term state and national issue. Since 1985, the Washington State Legislature has periodically provided funding to enable some developmentally disabled clients to move out of state hospitals when community placement is recommended. Between the periods of August 1996-1998, however, the number of people with developmental disabilities at the state's two psychiatric hospitals grew from 53 to a high of 92.

In January 1999, the Washington Protection and Advocacy System filed a federal class action lawsuit (*Allen v DSHS*) alleging abuse and neglect of individuals with developmental disabilities at Western State Hospital (WSH). It further alleged that individuals were denied opportunities for discharge and community support, and that they were at risk for unnecessary involuntary commitment. A mediated settlement agreement was reached in December 1999. Among the terms of the agreement, the state agreed to request funding from the legislature to implement a 3-phase remedy titled the Division of Developmental Disabilities/Mental Health Division Collaborative Work Plan.

The supplemental budget passed in the 2000 Legislative Session included \$6,673,000 to fund Phases 1 and 2 of the collaborative work plan. Phase 3 of the work plan proposed to establish involuntary treatment facilities. Phase 3 was not initially funded. The Legislature instead required a comprehensive study of long-term treatment alternatives for individuals with developmental disabilities and mental illness. The report's recommendation was to continue to house involuntary treatment clients at the two state psychiatric hospitals.

The Legislature authorized funds to the Mental Health Division to support Phase 3 at the state psychiatric hospitals during the 2001-2003 biennium.

In this current proviso, the Legislature appropriated funds to DDD to provide community supports for thirty-five (35) individuals with developmental disabilities who are clients

being diverted or discharged from the state psychiatric hospitals, clients leaving Department of Corrections custody and participating in the dangerous mentally ill offender program (DMIO), clients participating in the community protection program, and mental health crisis diversion outplacements. These funds provided an average daily rate of \$300.00 per client/per day.

## STATUS

DDD has prioritized the use of these proviso funds to serve individuals who have been released from the Department of Corrections or who have been determined ready for discharge from state psychiatric hospitals in an effort to comply with the *Allen v. WSH*, et al, and the *Smith v DSHS*, et al federal court Settlement Orders.

For the first quarter July – September 2005 no individuals have been placed into the community.

Of the two (2) individuals in the DMIO program leaving prison this quarter, one individual was not released due to his multiple infractions and one client was not able to move due to a provider's unwillingness to serve him after the client's recent risk assessment done by a Sex Offender Treatment Professional (SOTP). The region is in process of identifying another provider who will be able to serve this client.

Of the three (3) individuals scheduled to be discharged from the state hospital this quarter, two (2) discharges were delayed due to court-required community notification timeframes and one (1) individual was determined to require a longer transition to the community as he was experiencing significant adjustment problems when going out for community transition visits. One individual is scheduled for discharge to the community on October 24<sup>th</sup>, another on October 27<sup>th</sup>, and the third is scheduled to move as soon as the provider can identify a landlord who is willing to allow the home to be altered to accommodate for this client's medical and psychiatric issues.

It is noted here that there have been five (5) admissions to WSH in the July–September 2005 reporting period. Four (4) admissions were for court-ordered competency restoration under RCW 10.77 after being found not competent to stand trial. One (1) client was admitted for psychiatric treatment after being determined to be a danger to self and/or others as a result of a mental disorder under RCW 71.05.

At ESH, for the same reporting period, there were two (2) admissions. Two (2) of these admissions were for acute psychiatric treatment of individuals who were found to be a danger to self and others as a result of a mental disorder under RCW 71.05, and no (0) clients were admitted for court-ordered competency restoration under RCW 10.77. Phase 2 services, as designed, are working well to divert civilly committed individuals from the state hospital. The division will continue to monitor this data and watch for trends in this area.

2005-2007  
 CPP Proviso Tracking OUTPLACEMENT TOTALS  
 1st Quarter Totals

					Type of Services				Expenditures	
<u>Hospital &amp; CPP Outpla</u>		<u>Previous</u>	<u>Residential</u>	<u>Number of</u>	<u>Residential</u>	<u>Day Services</u>	<u>Other</u>	<u>Therapies</u>	<u>Total</u>	<u>Total Expend.</u>
<u>Region</u>	<u>Number</u>	<u>Residence</u>	<u>Start Date</u>	<u>Days in Service</u>	<u>Daily Rate</u>	<u>Daily Rate</u>	<u>Daily Rate</u>	<u>Daily Rate</u>	<u>Daily Rate.</u>	<u>To Date</u>
4	1								\$ -	\$ -
4	2								\$ -	\$ -
5	3								\$ -	\$ -
5	4								\$ -	\$ -
5	5								\$ -	\$ -
1	6								\$ -	\$ -
1	7								\$ -	\$ -
6	8								\$ -	\$ -
2	9								\$ -	\$ -
4	10								\$ -	\$ -
1	11								\$ -	\$ -
4	12								\$ -	\$ -
4	13								\$ -	\$ -
1	14								\$ -	\$ -
4	15								\$ -	\$ -
5	16								\$ -	\$ -
5	17								\$ -	\$ -
3	18								\$ -	\$ -
1	19								\$ -	\$ -
1	20								\$ -	\$ -
1	21								\$ -	\$ -
5	22								\$ -	\$ -
4	23								\$ -	\$ -
6	24								\$ -	\$ -
5	25								\$ -	\$ -
4	26								\$ -	\$ -
3	27								\$ -	\$ -
6	28								\$ -	\$ -
5	29								\$ -	\$ -
6	30								\$ -	\$ -
4	31								0	0
Average for Outplacements									\$ -	\$ -